



**MURRAY CITY MUNICIPAL COUNCIL
COUNCIL RETREAT**

A Murray City Council Retreat was held on Tuesday, September 3, 2013 in the Murray City Center, Conference Room #107, 5025 South State Street, Murray, Utah.

Members in Attendance:

Brett Hales	Council Chairman
Dave Nicponski	Council Vice Chairman
Darren Stam	Council Member
Jim Brass	Council Member
Jared Shaver	Council Member

Others in Attendance:

Frank Nakamura	City Attorney	Janet M. Lopez	Council Staff
Kellie Challburg	Council Office		

Mr. Hales called the Council Retreat to order at 3:30 p.m. and welcomed those in attendance.

Discussion Item 2.1

Murray City Municipal Council Handbook

Mr. Hales asked Ms. Lopez to explain some of the pending changes in the handbook. Ms. Lopez stated there have been several revisions to the handbook, and Mr. Nakamura has approved the final changes.

The purpose of the handbook is mainly for training new Council Members, stated Ms. Lopez. The Council should review the handbook section by section to see if there are any other necessary changes.

Mr. Hales asked if the Council should go through every section, or just specifically those with changes. Mr. Stam asked Mr. Nakamura if any changes had been made since the last meeting. Mr. Nakamura noted that in the last meeting, there were three issues that came up. The first issue was to ensure that the handbook was a set of guidelines, and also it was important that the strategic plan was referenced. Mr. Nakamura said that he believes those were the only changes he made.

Mr. Nicponski suggested going through the handbook and starting with the page numbers that the Council Members had concerns with and going from there.

Mr. Stam had a couple issues that he caught on the last one, but noticed that Mr. Nakamura had made those changes, and he doesn't see any new red lines since the last red line revision. Mr. Nakamura explained that Mr. Stam's concern was with the budgetary process and to make sure that they were consulting the strategic plan and also an improved relationship between the CIP (Capital Improvement

Project) organization and the budgetary process. Mr. Stam said the difference was that the Council does not approve the CIP plan, only the allocations. Mr. Hales asked if that change had been made. Mr. Nakamura said that it had. Mr. Nakamura said the additional change had been made to emphasize the fact it was a set of guidelines.

Mr. Nicponski noted that he had a proposed change on page 19 in the Ethics section regarding a conflict of interest. Mr. Nicponski referred to the section regarding a necessary disclosure of a conflict of interest. Mr. Nicponski stated that he would like the statement taken out regarding the mandatory withdrawal if there was a conflict. He noted that they are part time Council and have other jobs and entrepreneurial endeavors, and doesn't think the elimination from participating is necessary. He believes that it should be enough to disclose a conflict of interest and then you should be able to move forward and represent the constituents.

Mr. Shaver asked Mr. Nakamura if a conflict of interest had to be substantiated. He mentioned that in the beginning, Council Members were required to fill out a form notifying of any conflict of interests. He believed that was due to the legal requirements, not necessarily a handbook issue. He asked if once it was disclosed, if it had to be mentioned every time. He used the example of Krista Dunn and the Boys and Girls Club. Krista's husband worked for the Boys and Girls Club, so every time the budget was reviewed pertaining to the Boys and Girls Club, she would always make a disclosure, but was still part of the discussion and still voted. Mr. Stam stated that he believed the only time a withdrawal would be necessary was that if the conflict was so strong that a decision could not be made. Mr. Brass clarified that state law does not require a person to withdraw due to a conflict. Mr. Nakamura said that was correct. Mr. Brass said that the ordinances should be in line with state law, and it seems to make sense to remove the section about withdrawal.

Mr. Shaver asked about a possible property sale from a Council Member in a closed session, if that would require a withdrawal. Mr. Nakamura said that under state law a disclosure would be sufficient. Mr. Nicponski mentioned that closed sessions could be done when discussing property or personnel matters. Mr. Hales asked Mr. Nakamura if he would recommend a withdrawal if it was serious enough in nature. Mr. Brass said that Mr. Nakamura could counsel on whether something was right or wrong, but would follow state law on the issue. Mr. Brass agreed that the paragraph on withdrawal was unnecessary. Mr. Shaver said he would also support the removal of that same paragraph. Mr. Stam said the only reason for keeping it in would be for training purposes of the new Council. Mr. Brass said the entire section would not be removed, simply the paragraph on withdrawal. Mr. Stam said the word withdrawal could be changed to disclosure.

Mr. Nicponski noted another change on page 25, regarding regular investment in technology. Mr. Nakamura said that section came directly from the Strategic Plan that was presented. Mr. Nicponski said it looked different from another version, and to disregard the comment.

Mr. Hales asked if there were any other proposed changes. Mr. Shaver asked about the wording of the handbook, "not being a substitute of the advice from Department Directors, City Council Staff, or others with expertise." He asked what the reasoning behind that sentence would be. Mr. Nakamura said that there is a lot of verbiage and it is still being reviewed. He mentioned adding that "this handbook

would be used in conjunction with the advice of those having the expertise.” Mr. Nakamura noted that the sentence could be removed, and the remainder combined with the preceding paragraph.

Mr. Shaver moved to adopt the Murray City Council Handbook with the discussed changes. Mr. Stam seconded. All were in favor.

Mr. Shaver complimented Mr. Brass of his handling of the tumultuous zoning issue at the last meeting. He said he was impressed and appreciative of the manner that Mr. Brass conducted it. He complimented the citizens also for raising their hands.

Mr. Shaver noted to Ms. Lopez that he would like to do a Council Initiative Workshop separating the zoning from what the building is, instead of including it together. Mr. Hales said he wanted to comment on that also. Mr. Shaver said that particularly in the last three zoning issues, it seemed that what was going to be built on the property took precedence over the zoning issue. That caused emotion to run high and eliminated any conversation about the zoning. Mr. Nicponski agreed it does influence the decision, for example the height of the building.

Mr. Brass said there were some intelligent comments made at the last meeting. One of the comments was from a young lady asking if the project wasn't allowed to be discussed, why it is required on the zone change application. Mr. Brass commented that it was a great question. Mr. Hales said they are all instructed not to talk about the building. Mr. Brass commented on the Mountain Medical Imaging project and how the end result was different than was previously discussed. It was a project with a lot of emotion also. Mr. Shaver commented that there may be a good reason for it, and possibly Mr. Tingey could explain it to the Council. Mr. Nakamura said he believes it is meant to focus on the issue, but is unrealistic to not see the proposed project.

Mr. Shaver said public perception is usually based on the hopes of the public. Mr. Brass compared it to the inaccurate perception that the Power Department had a private jet. Mr. Shaver said that it could have been perceived that they were for the antagonists because they had a lot of time to speak at the meeting. Mr. Nicponski said he was surprised how many citizens appeared to be in favor of the development. Mr. Brass said there were four property owners and two others that spoke in favor of the development.

Mr. Hales said he would love to see a CIW on this topic. Mr. Shaver said that way, a decision could be made based on the plan for the development, versus what the zoning is. Mr. Shaver compared it to the elderly lady on the Wheeler Farm development, and how difficult it was to separate the idea of what was on the property and how it was used.

Mr. Nicponski asked if the zoning dictates the height of the building. Mr. Nakamura said that it does but that is up to Planning and Zoning to decide compliance. Mr. Brass said that he was on the Planning Commission that crafted R-N-B (Residential neighborhood Business) and that was done for several reasons. One reason was to not allow the construction of a large building with 60-90 parking spaces, in the space of three homes. Some two story homes in the City have a taller height than the 30 foot restriction. According to Mr. Tingey the roofs must be gabled, no flat roofs or mansard roofs, except

for conditional use. Conditional Use permits cannot be denied, and a 30 foot roof could be constructed with a mansard roof.

Mr. Shaver said the perfect example is on 9th East, with two commercial buildings that resemble homes that fit into the neighborhood. A 90 foot building doesn't fit into a neighborhood. Mr. Shaver commented that Mr. Stam asked if it could be separated into two buildings, but the answer was that it would be cost prohibitive.

Mr. Stam noted that the R-N-B indicates no flat roofs. It should be clarified that a mansard roof is a flat roof with a parapet around the edge. Mr. Brass said he asked that question but a clear answer wasn't given. Mr. Nakamura agreed that the issue needs to be addressed. It is a general issue that affects not only this decision, but those in the future, and there needs to be a better understanding. Mr. Brass commented that this resident asked a brilliant question and that brings up a good point. Mr. Hales referred to the earlier analogy mentioned by Mr. Brass. Mr. Hales commented that all the residents had the same concern that it is not known for sure what the end project could be.

Mr. Shaver said that in the past, a precedent had been set. If that project would have been built, there are 21 homes starting at 753 East and headed west. It literally could spiral into development all the way to Fashion Boulevard. That was another concern. Mr. Hales said his issue isn't necessarily a trust issue, but rather not knowing. Mr. Nakamura agreed that it is an issue of the unknown, rather than a trust issue.

Mr. Shaver asked Ms. Lopez to note that as a topic for a CIW (Council Initiative Workshop) to discuss the separation as well as the language of the R-N-B zone. Mr. Shaver asked if possibly Mr. Tingey and Mr. Nakamura could look at the specific language in the R-N-B description, including the dimensions of a building.

Mr. Nakamura noted that in the past there had been joint meetings between the Council and the Planning and Zoning Commission. Mr. Hales commented that would be a good idea. Mr. Nicponski also thought it would be good from a policy perspective. Mr. Nakamura said it would be good to understand the intentions and role of the Planning and Zoning Commission. Mr. Nicponski clarified that the ordinance could not be changed with a motion. Mr. Nakamura noted that some of the decisions are made administratively and are not the responsibility of the Council.

Ms. Lopez said she would schedule a joint meeting. Mr. Shaver suggested the Council Members attend one of the Planning Commission meetings, possibly meeting with them before one of their pre-meetings. It was suggested to have a dinner meeting with the Planning and Zoning Commission.

Discussion Item 2.2

Travel Policy

Mr. Shaver commented that he had no difficulty with the Council Members traveling when the funds come out of the Council Budget. He has some difficulty when the funds are coming from another departments' budget.

Mr. Nicponski and Mr. Brass commented that the City had not sent a representative to the National League of Cities and Towns for a while. Mr. Nicponski said it would be really valuable to send a representative to the National Convention. Mr. Shaver asked which budget would pay for that travel. Ms. Lopez replied the funds would come from the Council Budget. Mr. Brass noted it would be beneficial to send two representatives.

Mr. Shaver commented on the APPA (American Public Power Association) convention which was paid for by the Power Department, and the Council Members should be invited to attend by the Power Department. Ms. Lopez and Mr. Hales both commented that the invitations have always come from the Power Department.

Mr. Shaver mentioned that it would be helpful to be aware of the National Convention for example, and create the travel budget with those funds in it. Mr. Stam replied that is what the travel policy states. Ms. Lopez said the National Convention had not been budgeted for in the last few years, since the budgets were tight. It was proposed and approved in the budget for this year for two Council Members to attend.

Mr. Nicponski noted that there is the ULCT (Utah League of Cities and Towns) twice a year, and also the NLCT (National League of Cities and Towns). He asked about the ICSC (International Convention of Shopping Centers), and what funds paid for that. The response was that it was paid for from the RDA budget. Mr. Nicponski said the ICSC Convention was a valuable experience.

Mr. Shaver asked if there was any other travel that would be considered worthwhile. Mr. Brass responded that one year Ms. Dunn went to the National League of Cities and Towns. Many Cities in Utah send Council Members to the National Convention and it is valuable time spent with the legislators. The more access the Council Members get with the legislators is a good thing, especially when looking at larger grants.

Mr. Shaver asked about transportation issues. He receives emails and magazines concerning light rail and mass transit. Murray City has more people traveling through the City than probably all cities, other than Salt Lake City. Mr. Brass said they could attend transportation conventions, but doesn't know what the effect could be.

Ms. Lopez stated that the Policy does allow for any travel that hasn't been budgeted for to be presented to the Council and looked at on a case by case basis to determine intent and benefit. The Council would have to give final approval.

National League of Cities and Towns Convention covers so many different topics, such as healthcare, small businesses, infrastructure, power, and others stated Mr. Brass. For example, the Federal Government, with tax reform, was looking at eliminating tax-free municipal bonds. Their view was that the wealthy people were putting all their money into bonds, and dodging taxes. The reality is that is not the case, and that would harm every City. This is a case where the National League would step in and fight for the cause. There is not a City anywhere that doesn't have to bond for something. Mr. Nicponski commented that these National Organizations are very powerful.

Mr. Nicponski noted that the Road School put on by the ULCT doesn't incorporate mass transit. Mr. Shaver said that in California, there are electrical posts in the City that people can use to plug in their electric cars. Also, in Reno, while attending the car museum, he saw that a third of the cars were electric. Mr. Nicponski noted that would be nice to have that charging option in the business district. Mr. Shaver said these are issues combined with transportation and the electricity needed for cars is going to be here. Mr. Brass mentioned that his daughter would like to convince Weber State to put in a charging station, because you are limited in your miles. Mr. Brass disclosed that he works for a company that builds charging stations. The impact on the power systems are unknown right now. If there are five charging stations in an area, and the transformers don't have the capacity for that, what is the impact, he asked. Rocky Mountain Power was recently taken by surprise by the amount of power an LCD TV requires. A flat panel TV draws more electricity than a refrigerator, Mr. Brass noted. Rocky Mountain Power was overloading their transformers, without charging stations. Mr. Brass said the City has a natural gas fueling station behind Public Services. A charging station could be put in at Murray Power. Mr. Shaver said that the Council depends on the expertise of Murray Power Department staff but the UAMPS (Utah Associated Municipal Power Systems) and APPA conventions are very valuable to him. The idea is that the more information the Council has when the Power Department staff brings ideas, the better.

Mr. Hales said he had a citizen state that the Power Advisory Board should attend the Power Conventions before the Council Members.

Mr. Shaver asked Ms. Lopez to note that for another CIW, the topic should be that all the Boards and Commissions are treated equally. It was discussed whether or not it mattered if it was an enterprise fund.

Mr. Stam noted that in the travel policy it states "Council Members whose terms are terminating, shall not use Murray City funds to travel within the last four months of office, including those that have been defeated." He asked if that was applicable to the ULCT Conference in Salt Lake City in September. It was determined that the Salt Lake Convention was not deemed travel, but education.

Mr. Brass moved approval, Mr. Shaver seconded. All were in favor.

Discussion Item 3.1

Rules of the Municipal Council

Ms. Lopez stated that Mr. Nakamura and herself had looked through the rules and attempted to update it so that it is in line with current practices. For example, the audit committee has not been used, although ad hoc committees can be formed at any time, so that would be removed as a standing committee.

Mr. Stam asked if this was something that should be approved in a Council meeting. Mr. Nakamura said it could be adopted in this special meeting.

Mr. Shaver moved to adopt the rules, Mr. Nicponski seconded the motion. All were in favor.

Mr. Hales asked a question about citizen comments, and if there was protocol applicable to those non-agended items. Mr. Brass said the Council can choose to respond or not. Mr. Shaver said sometimes a response engages a conversation that could go longer than three minutes. Mr. Stam said typically the Council doesn't respond, but would ask the Staff member with expertise to respond, or tell the citizen that the topic would be looked into. Mr. Shaver believes some kind of response is highly appropriate.

Mr. Hales asked if there were any questions. He adjourned the meeting at 4:40.

Kellie Challburg
Council Office Administrator II

